

BILL ANALYSIS

Senate Research Center

C.S.S.B. 9
By: Williams et al.
Transportation & Homeland Security
4/20/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is facing major threats from a lack of security on the state's border with Mexico. Mexican drug cartels have been waging a war with one another over illegal trade routes and gang turf, and innocent people on both sides of the border are getting caught in the crossfire. This bill makes changes to current state laws to provide for increased border security, and attempts to create more avenues for the state to best evaluate the threat level, and combat that threat by maximizing the use of current resources, including technology.

While state and local officials have been combating border crime for many years, the job of securing the national border is one that is responsibility of the federal government. In recent years, the drug war has become more violent and pervasive, and the federal government has failed to provide the necessary resources to protect this state and country from the ensuing threat. With the lack of support from the federal government, the responsibility to keep citizens safe has fallen to the state.

C.S.S.B. 9 amends current law relating to homeland security and provides penalties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 3 (Section 411.0094, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.252, as follows:

Art. 2.252. VERIFICATION OF IMMIGRATION STATUS OF PERSON CHARGED WITH COMMITTING OFFENSE. (a) Requires a law enforcement agency that has custody of a person to verify the immigration status of the person by use of the federal Secure Communities program operated by United States Immigration and Customs Enforcement or a successor program.

(b) Requires a law enforcement agency conducting an immigration status verification under Subsection (a) to notify United States Immigration and Customs Enforcement if the agency is unable to verify a person's immigration status.

SECTION 2. Amends Section 4(a), Article 37.07, Code of Criminal Procedure, as follows:

(a) Requires the court, in the penalty phase of the trial of a felony case in which the punishment is to be assessed by the jury rather than the court, if the offense of which the jury has found the defendant guilty is an offense under Section 71.02 (Engaging in Organized Criminal Activity) or 71.023 (Directing Activities of Certain Criminal Street Gangs), Penal Code, or an offense listed in Section 3g(a)(1) (relating to a defendant adjudged guilty of certain offenses to which certain provisions do not apply), Article 42.12 (Community Supervision), or if the judgment contains an affirmative finding under Section 3g(a)(2) (relating to a defendant when it is shown that a deadly weapon was used

or exhibited during the commission of a felony offense), Article 42.12, unless the defendant has been convicted of an offense under Section 21.02 (Continuous Sexual Abuse of Young Child or Children), Penal Code, an offense under Section 22.021 (Aggravated Sexual Assault), Penal Code, that is punishable under Subsection (f) (relating to the minimum term of imprisonment for an offense under this section) of that section, or a capital felony, to charge the jury in writing in certain required language. Makes nonsubstantive changes.

SECTION 3. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0094, as follows:

Sec. 411.0094. AUTOMATIC LICENSE PLATE READER PILOT PROGRAM. (a) Defines, in this section, "automatic license plate reader."

(b) Requires the Department of Public Safety of the State of Texas (DPS) to establish a pilot program in which automatic license plate readers may be installed in law enforcement motor vehicles used by DPS for law enforcement.

(c) Requires that the pilot program include a request for proposal process to select a contractor for the installation of automatic license plate readers.

(d) Requires DPS to adopt rules as necessary to implement the pilot program.

(e) Provides that an automatic license plate reader installed under this section:

(1) is authorized to be used only to record information necessary to identify a motor vehicle; and

(2) is prohibited from being used to record an image of a person in a motor vehicle.

(f) Authorizes the images and any related data produced from an automatic license plate identification camera system to be queried or disseminated only for a law enforcement purpose.

(g) Requires all data produced from an automatic license plate reader to be destroyed within one year of collection unless the data is evidence in a criminal investigation or prosecution.

(h) Provides that any agreement or memorandum of understanding concerning data-sharing related to an automatic license plate identification camera system between law enforcement entities collecting, sharing, or gaining access to data under this section is subject to the provisions of Chapter 552 (Public Information), Government Code.

(i) Requires DPS, not later than December 1, 2012, to file a report with the committee in each house of the legislature having primary jurisdiction over homeland security matters. Requires the report to include:

(1) information regarding the use of automatic license plate readers by DPS; and

(2) any other information that would assist the legislature in evaluating the effectiveness of the use of automatic license plate readers by DPS.

(j) Provides that this section expires September 1, 2013.

SECTION 4. Amends Section 411.023, Government Code, by amending Subsection (b) and adding Subsection (g), as follows:

(b) Provides that a special ranger is subject to the orders of the Public Safety Commission (commission) and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special ranger may not enforce a law regulating the use of a state highway by a motor vehicle, rather than except that a special ranger may not enforce a law except one designed to protect life and property and may not enforce a law regulating the use of a state highway by a motor vehicle.

(g) Authorizes the public safety director (director) to call special rangers into service to:

- (1) preserve the peace and protect life and property;
- (2) conduct background investigations;
- (3) monitor sex offenders;
- (4) serve as part of two-officer units on patrol in high threat areas; and
- (5) provide assistance to DPS during disasters.

SECTION 5. Amends Section 411.024, Government Code, by amending Subsection (b) and adding Subsection (g), as follows:

(b) Provides that a special Texas Ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special ranger may not enforce a law regulating the use of a state highway by a motor vehicle, rather than except that a special ranger may not enforce a law except one designed to protect life and property and may not enforce a law regulating the use of a state highway by a motor vehicle.

(g) Authorizes the director to call special Texas Rangers into service to:

- (1) preserve the peace and protect life and property;
- (2) conduct background investigations;
- (3) monitor sex offenders;
- (4) serve as part of two-officer units on patrol in high threat areas; and
- (5) provide assistance to DPS during disasters.

SECTION 6. Amends Section 508.145(d), Government Code, to provide that an inmate serving a sentence for an offense described by Section 3g(a)(1)(A) (relating to murder), (C) (relating to indecency with a child), (D) (relating to aggravated kidnapping), (E) (relating to aggravated sexual assault), (F) (relating to aggravated robbery), (G) (relating to an offense under Chapter 481, Health and Safety Code), (H) (relating to sexual assault), (I) (relating to injury to a child, elderly individual, or disabled individual, if the offense is punishable as a first-degree felony and the victim is a child), (J) (relating to sexual performance by a child), or (K) (relating to an offense under Section 15.03, Penal Code, if the offense is punishable as a first-degree felony), Article 42.12, Code of Criminal Procedure, an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or an offense under Section 71.02 or 71.023, Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years. Makes a nonsubstantive change.

SECTION 7. Amends Section 508.149(a), Government Code, to prohibit an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously

convicted of certain offenses, including a first degree felony under Section 71.02 or 71.023, Penal Code.

SECTION 8. Reenacts Section 511.0101(a), Government Code, as amended by Chapters 977 (H.B. 3654) and 1215 (S.B. 1009), Acts of the 81st Legislature, Regular Session, 2009, and amends it to require each county to submit to the Commission Jail Standards on or before the fifth day of each month a report containing certain information, including the number of prisoners confined in the county jail on the first day of the month, classified on the basis of certain categories, including prisoners for whom an immigration detainer has been issued by United States Immigration and Customs Enforcement, rather than prisoners who are known to be pregnant; and the total cost to the county during the preceding month of housing prisoners described by Subdivision (1)(M) (relating to prisoners for whom an immigration detainer has been issued by United States Immigration and Customs Enforcement), calculated based on the average daily cost of housing a prisoner in its county jail. Makes nonsubstantive changes.

SECTION 9. Reenacts Section 71.02(b), Penal Code, as amended by Chapters 761 (H.B. 354) and 900 (S.B. 1067), Acts of the 73rd Legislature, Regular Session, 1993, and amends it to provide that, except as provided in Subsections (c) (relating to the degree of seriousness of the criminal conspiracy) and (d) (relating to authorizing a defendant to raise issues regarding voluntary and complete renunciation of an offense or a substantial effort to prevent the commission of the offense), an offense under this section is one category higher than the most serious offense listed in Subsection (a) (relating to committing an offense in a combination or as a member of a criminal street gang) that was committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony, except that if the most serious offense is a felony of the first degree, the offense is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 15 years.

SECTION 10. Reenacts Section 71.02(c), Penal Code, as amended by Chapters 761 (H.B. 354) and 900 (S.B. 1067), Acts of the 73rd Legislature, Regular Session, 1993, to provide that conspiring to commit an offense under this section is of the same degree as the most serious offense listed in Subsection (a) (relating to committing an organized criminal offense and a list of offenses) that the person conspired to commit.

SECTION 11. Amends Section 71.023, Penal Code, as follows:

Sec. 71.023. New heading: DIRECTING ACTIVITIES OF CRIMINAL STREET GANGS. (a) Provides that a person commits an offense if the person knowingly finances, directs, or supervises members of a criminal street gang that commit or conspire to commit a felony:

- (1) that is listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure;
- (2) for which it is shown that a deadly weapon, as defined by Section 1.07, Penal Code, was used or exhibited during the commission of the offense or during immediate flight from the commission of the offense; or
- (3) that is punishable as a felony of the first or second degree under Chapter 481, Health and Safety Code.

Deletes existing text providing that a person commits an offense if the person knowingly initiates, organizes, plans, finances, directs, manages, or supervises a criminal street gang or members of a criminal street gang with the intent to benefit, promote, or further the interests of the criminal street gang or to increase the person's standing, position, or status in the criminal street gang.

(b) Provides that an offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years.

Deletes existing Subsection (c) defining "criminal street gang."

SECTION 12. Amends Subchapter A, Chapter 521, Transportation Code, by adding Section 521.007, as follows:

Sec. 521.007. TEMPORARY VISITOR STATIONS. (a) Requires DPS to designate as temporary visitor stations certain driver's license offices.

(b) Requires that a driver's license office designated as a temporary visitor station under this section have at least two staff members who have completed specialized training on the temporary visitor issuance guide published by DPS.

(c) Requires that a driver's license office designated as a temporary visitor station provide information and assistance to other driver's license offices in the state.

SECTION 13. Amends Section 521.041(b), Transportation Code, to require DPS to maintain suitable indexes, in alphabetical or numerical order, that contain certain information, including the citizenship status of each holder of a license or personal identification certificate.

SECTION 14. Amends Section 521.059, Transportation Code, by adding Subsection (d), to authorize DPS to use the image verification system established under this section to ensure that the applicant is not a fugitive from justice, as defined by Section 38.01 (Definitions), Penal Code.

SECTION 15. Amends Section 521.101, Transportation Code, by adding Subsections (d-1), (f-2), and (f-3) and amending Subsection (f), as follows:

(d-1) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for an original, renewal, or duplicate personal identification certificate to furnish to DPS:

(1) proof of the applicant's United States citizenship; or

(2) documentation described by Subsection (f-2).

(f) Provides that a personal identification certificate:

(1) for an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States:

(A) expires on a date specified by DPS if the applicant is younger than 60 years of age; or

(B) does not expire if the applicant is 60 years of age or older; or

(2) for an applicant not described by Subdivision (1), expires on:

(A) the earlier of:

(i) a date specified by DPS; or

(ii) the expiration date of the applicant's authorized stay in the United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States.

Deletes existing text providing that a certificate expires on a date specified by DPS, except that a certificate issued to a person 60 years of age or older does not expire.

(f-2) Requires an applicant who is not a citizen of the United States to present to DPS documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States.

(f-3) Prohibits DPS from issuing a personal identification certificate to an applicant who fails or refuses to comply with Subsection (f-2).

SECTION 16. Amends Section 521.103, Transportation Code, by adding Subsection (c), to provide that Sections 521.101(f-2) and (f-3) apply to a personal identification certificate for which application is made under this section.

SECTION 17. Amends Sections 521.142(a) and (e), Transportation Code, as follows:

(a) Requires an applicant who is not a citizen of the United States to present to DPS documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license.

(e) Requires that the application include any other information DPS requires to determine the applicant's identity, residency, competency, and eligibility as required by DPS or state law.

SECTION 18. Amends Section 521.1425, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes DPS, except as provided by Subsections (b) (relating to requiring DPS to require each applicant for an original, renewal, or duplicate driver's license to furnish to DPS certain information) and (c), to require each applicant for an original, renewal, or duplicate driver's license to furnish to DPS the information required by Section 521.142 (Application for Original License).

(c) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for an original, renewal, or duplicate driver's license to furnish to DPS:

(1) proof of the applicant's United States citizenship; or

(2) documentation described by Section 521.142(a) (relating to providing certain types of proof of identity).

SECTION 19. Amends Section 521.271, Transportation Code, by amending Subsections (a) and (b) and adding Subsections (a-2), (a-3), and (a-4), as follows:

(a) Provides that each original driver's license, provisional license, instruction permit, or occupational driver's license issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires at certain times, including that an occupational driver's license expires on the first anniversary of the court order granting the license. Makes a nonsubstantive change.

(a-2) Provides that each original driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the sixth anniversary of the date of the application; or

(B) the expiration date of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States.

(a-3) Provides that each original provisional license or instruction permit issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earliest of:

(1) the 18th birthday of the license holder;

(2) the first birthday of the license holder occurring after the date of the application; or

(3) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law.

(a-4) Provides that each original occupational driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earlier of:

(1) the first anniversary of the date of issuance; or

(2) the expiration of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law.

(b) Provides that, except as provided by Section 521.2711 (License Expiration: Person at Least 85 Years of Age), a driver's license that is renewed expires on the earlier of:

(1) the sixth anniversary of the expiration date before renewal if the applicant is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States;

(1-a) for an applicant not described by Subdivision (1):

(A) the earlier of:

(i) the sixth anniversary of the expiration date before renewal; or

(ii) the expiration date of the applicant's authorized stay in the United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States; or

(2) Makes no changes to this subdivision.

SECTION 20. Amends Section 521.2711, Transportation Code, by adding Subsection (c) to read as follows:

(c) Provides that, notwithstanding Subsections (a) (relating to providing that each original driver's license of a person 85 years of age or older expires on the license holder's second birthday after the date of the license application) and (b) (relating to providing that a driver's license of a person 85 years of age or older that is renewed expires on the second anniversary of the expiration date before renewal), an original or renewal driver's license issued to an applicant who is 85 years of age or older and not a

citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

(A) the second anniversary of the expiration date before renewal; or

(B) the expiration date of the applicant's authorized stay in the United States; or

(2) the first anniversary of the date of issuance if there is no definite expiration date for the applicant's authorized stay in the United States.

SECTION 21. Amends Section 521.272, Transportation Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that, notwithstanding Sections 521.271 (License Expiration) and 521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

Makes nonsubstantive changes.

(d) Creates this subsection from existing text. Provides that Subsection (c), rather than this subsection, does not apply to:

(1) a provisional license;

(2) an instruction permit issued under Section 521.222 (Instruction Permit); or

(3) a hardship license issued under Section 521.223 (Hardship License).

SECTION 22. Amends Section 521.421, Transportation Code, by adding Subsection (a-3), as follows:

(a-3) Provides that, except as provided by Subsections (a-1) (relating to providing that the fee for a personal identification certificate issued under Section 501.0165 (State-Issued Identification; Necessary Documentation), Government Code, is \$5) and (a-2) (relating to requiring DPS, except as provided by Subsection (a-1), by rule to establish the fee for a personal identification certificate or driver's license issued to a person whose residences or domicile is a correctional facility or a parole facility), the fee for a driver's license or personal identification certificate that is issued to a person who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States and that is valid for not more than one year is \$24.

SECTION 23. (a) Amends Chapter 521, Transportation Code, by adding Subchapter T, as follows:

SUBCHAPTER T. DRIVER'S LICENSE SYSTEM IMPROVEMENT; ACCOUNT
AND FEES

Sec. 521.481. DRIVER'S LICENSE SYSTEM IMPROVEMENT ACCOUNT.

(a) Provides that the driver's license system improvement account is an account in the general revenue fund that is authorized to be appropriated only for the purposes of improving the driver's license system.

(b) Provides that the account consists of money deposited to the account under this subchapter.

(c) Provides that the account is exempt from the application of:

(1) Section 403.095 (Use of Dedicated Revenue), Government Code, as effective on September 1, 2011; and

(2) any successor to that section.

Sec. 521.482. DRIVER'S LICENSE SYSTEM IMPROVEMENT FEES. (a) Requires DPS to collect a fee of:

(1) \$8 for the issuance or renewal of a driver's license or personal identification certificate described by Section 521.421(a) (relating to the fee for issuance or renewal of certain licenses) or (a-3);

(2) \$20 for the issuance of a commercial driver's license (CDL) or a commercial driver learner's permit issued to a resident of this state who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States; and

(3) \$40 for the issuance of a nonresident CDL that is issued to a person who is not a resident of this state and not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States.

(b) Authorizes a fee collected under this section to be used only for the improvement of the driver's license system and requires that the fee be deposited to the credit of the driver's license system improvement account.

Sec. 521.483. RECORD REQUEST STANDARDIZATION FEE. (a) Requires DPS to charge a standardization fee for records requested under Subchapter C (Department License Records).

(b) Provides that, subject to Section 521.046(b) (relating to authorizing DPS to reduce the fee for data processing requests to \$5 for each individual request if DPS receives requests under this section in quantities of 100 or more from a single person at one time and on data processing request forms acceptable to DPS), the amount of the standardization fee for a record request under Subchapter C is:

(1) \$2.50 if the fee otherwise imposed is \$2.50;

(2) \$6 if the fee otherwise imposed is \$4;

(3) \$5.50 if the fee otherwise imposed is \$4.50;

- (4) \$5 if the fee otherwise imposed is \$5;
- (5) \$4.50 if the fee otherwise imposed is \$5.50;
- (6) \$4 if the fee otherwise imposed is \$6; and
- (7) \$3 if the fee otherwise imposed is \$7.

(c) Requires that a standardization fee collected under this section be deposited to the credit of the driver's license system improvement account.

Sec. 521.484. DRIVER'S LICENSE REINSTATEMENT OR REISSUANCE STANDARDIZATION FEE. (a) Requires DPS to collect a standardization fee of \$25 for the reinstatement or reissuance of a license under Section 521.313 (Reinstatement and Reissuance; Fee), 521.3466(d) (relating to prohibiting DPS from issuing a driver's license to a person before the second anniversary of the date of a conviction for offense involving certain fraudulent governmental records and authorizing issuance only under certain circumstances), or 601.376 (Reinstatement Fee) of this code, or Section 13 (DWI Community Supervision), Article 42.12 (Community Supervision), Code of Criminal Procedure.

(b) Requires that a standardization fee collected under this section be deposited to the credit of the driver's license system improvement account.

(b) Provides that it is the intent of the legislature that:

(1) to the extent the differences are irreconcilable and regardless of relative dates of enactment and relative effective dates, the exemption of the driver's license system improvement account from the application of Section 403.095, Government Code, and any successor to that section, provided by Subsection (c), Section 521.481, Transportation Code, as added by this section, prevails over any other Act of the 82nd Legislature, Regular Session, that becomes law; and

(2) Section 403.095, Government Code, as effective on September 1, 2011, and any successor to that section, do not apply to the account.

SECTION 24. Amends Section 522.021(c), Transportation Code, as follows:

(c) Requires that the application meet the requirements of an application under Sections 521.141 (General Application Requirements), 521.142, and 521.1425 (Information Required to Be Furnished to Department) and be accompanied by the fees required under Sections 521.482 and 522.029 (Fees). Authorizes DPS to require documentary evidence to verify the information required by this section, rather than by Subsection (a) (relating to providing what an application for a CDL or commercial driver learner's permit is required to include). Makes nonsubstantive changes.

SECTION 25. Amends Section 522.029, Transportation Code, by amending Subsections (a) and (k) and adding Subsection (l), as follows:

(a) Provides that, except as provided by Subsections (f) (relating to the fee for certain CDLs), (h) (relating to the fee for certain CDLs), (j) (relating to the fee for certain CDLs), and (k) (relating to the fee for certain CDLs), the fee for a CDL, including a CDL issued to a resident of this state who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, or commercial driver learner's permit issued by DPS is \$60.

(k) Provides that the fee for a nonresident CDL, including a nonresident CDL that is issued to a person who is not a resident of this state and not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, is \$120.

(l) Provides that the fee for a temporary nonresident CDL is \$20.

SECTION 26. Redesignates Subsection (f), Section 522.029, Transportation Code, as added by Chapter 1372 (H.B. 1200), Acts of the 75th Legislature, Regular Session, 1997, as Subsection (f-1), and makes no further changes.

SECTION 27. Amends Section 522.030, Transportation Code, as follows:

Sec. 522.030. CONTENT OF LICENSE. (a) Creates this subsection from existing text. Makes no further changes.

(b) Provides that, to the extent of a conflict or inconsistency between this section and Section 522.013 (Nonresident License) or 522.051 (Expiration of License or Permit), Section 522.013 or 522.051 controls.

SECTION 28. Amends Section 522.033(b), Transportation Code, as follows:

(b) Provides that, notwithstanding Section 522.051, a CDL or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license or permit holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

SECTION 29. Amends Section 522.052, Transportation Code, by adding Subsection (i), as follows:

(i) Requires DPS, unless the information has been previously provided to DPS, to require each applicant for a renewal or duplicate CDL to furnish to DPS:

(1) proof of the applicant's United States citizenship; or

(2) documentation described by Section 521.142(a).

SECTION 30. Amends Section 10, Article 4413(37), Revised Statutes, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Requires an insurer to pay to the Automobile Burglary and Theft Prevention Authority (authority) a fee equal to \$2, rather than \$1, multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer.

(e) Requires that fifty percent of each fee collected under Subsection (b) be appropriated only to the authority for the purposes of this article.

SECTION 31. Requires DPS, not later than January 1, 2013, to submit to the legislature a report evaluating the effectiveness of the temporary visitor stations established under Section 521.007, Transportation Code, as added by this Act.

SECTION 32. Makes application of Section 4(a), Article 37.07, Code of Criminal Procedure, Sections 508.145 and 508.149, Government Code, and Sections 71.02 and 71.023, Penal Code, as amended by this Act, prospective.

SECTION 33. Requires a county to submit the first report required by Section 511.0101, Government Code, as amended by this Act, not later than October 5, 2011.

SECTION 34. (a) Makes application of the changes in law made by this Act to Chapters 521 and 522, Transportation Code, prospective, except as provided by Subsection (b) of this section.

(b) Provides that Subsection (a) of this section does not apply to the change in law made by this Act to Section 521.059, Transportation Code.

SECTION 35. Makes application of the fee imposed by Section 521.483, Transportation Code, as added by this Act, prospective.

SECTION 36. Makes application of Section 10, Article 4413(37), Revised Statutes, as amended by this Act, prospective.

SECTION 37. Effective date: September 1, 2011.